IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3725 OF 2001
IN
FIRST APPEAL ST.NO.43716 OF 1998

State of Maharashtra ...Applicant
vs.
Jagannath Nana Shinde ...Respondent

Mr.K.K.Tated, A.G.P. for Applicant

CORAM: A.S.OKA, J.
DATED: MARCH 31, 2006.

P.C.:

1. Heard learned A.G.P. for State. This application is for condonation of delay in preferring an Appeal of four years and 342 days. The Appeal is sought to be preferred against the Judgment and Award dated 30th August 1993 passed by the Reference Court. Enhancement granted by the Reference Court is only of a sum of Rs.26,784/- together with statutory benefits. Against the said Award made on 30th August 1993, the present Appeal has been preferred by the Appellant-State on 23rd December 1998. Application for condonation of delay is filed in March 2000 which is coming upon board today for hearing.

2. The averments made in the application disclose that the certified copy of the Judgment and Award was applied on 29th November 1993 that is nearly on the last date of period of limitation available for preferring an Appeal. The certified copies were ready on 15th January 1994. The District

Government Pleader took time of twenty three months to forward his opinion to the Law and Judiciary Department. The Solicitor to the State Government prepared a note dated 22nd January 1997 for filing First Appeal in this Court. The papers required for preferring the Appeal were forwarded to the office of Government Pleader on 13th November 1998 only after a telegram was sent by the office of the Government Pleader to the S.L.A.O. to forward certified copies of the judgment and Award on 13th November 1998. The Appeal was ultimately filed on 23rd December 1998.

3. After having heard the learned A.G.P., I find that there is a gross unexplained delay in filing the Appeal. It must be noted here that the amount payable under the Award dated 30th August 1993 is only Rs.26,784/-. In an Appeal filed in the year 1998, no case is made out for condonation of delay of four years and 342 days. Hence, Application is rejected.

Judge.